

SCOTLAND'S STORY

15

The 'fyre-faced' king with a temper to match

Breathing life into our history

Family with the power to rival the throne

Secrets of the Medieval hospital

Sex and drugs trial shocked the Victorians



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1421

The Black Douglas sends an army to France defeating the English and killing Henry V's brother at Baugé.



1428

An early example of Scots law at work with the 15-man inquest into the ownership of the Staff of St Fillans.



1430

Birth of James II who became known as the 'Fyre-faced' King because of his birthmark.



1440

Infamous 'Black Dinner' at Edinburgh where the Earl of Douglasses was accused of treason and beheaded.



1448

A classic example of a jousting tournament held at Stirling, featuring Scots and French knights.



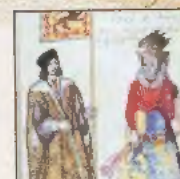
1452

Another bloody Douglas death as King James II stabs William Douglas at Stirling Castle, leaving staff to finish him off.



1449

Following the treaty of Brussels, James marries Mary of Gueidres, niece of the Duke of Burgundy.



1458

James indulges his love of cannon and brings the mighty Mons Meg to Scotland.



1460

Death of James II, ironically killed by an exploding cannon at the siege of Roxburgh.



In Part 16:
King who used
Bruce's sword

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COVER:
A window on history. The stained glass representation of the Douglas Coat of Arms commemorates the shameful death of William Douglas at the hands of King James and his servants.

Changing face of Scottish life

History is more than a series of bloody battles and power struggles that beset a Scotland plagued by the untimely deaths of king after king in the 14th and 15th centuries.

This was also a time of rapid social change.

A time to stop and take note of the early chroniclers, men like John of Fordun, and Walter Bower.

Here were Scotland's important first historians. Although they were forced to rely on oral history, and sometimes their own imaginations, to fill gaps in the past, their efforts gave Scotland one of the prerequisites of nationhood – a long, credible and vivid history.

It was also the period that saw the emergence Scots law, much of it borrowed from the English and Roman codes, but with a distinct identity all of its own.

The royal burghs started to thrive, with their right to hold markets a corner-stone of their prestige and prosperity.

All in all Scotland was changing fast, and not just in the royal court and the battlefield.

Scotland was a small country – certainly too small to house two great dynasties. The Black Douglases came to prominence at

Bannockburn, when the 'Good Sir James' was one of Bruce's loyal supporters.

In the next two centuries they became all-powerful, defending the Borders, raiding into England and even sending armies to France to prop up the Auld Alliance.

But their days were numbered.

The infamous 'Black Dinner' at Edinburgh in 1440 saw brothers William and David Douglas beheaded for alleged treason.

Twelve years later at Stirling James II gave vent to his rage against the then earl, William Douglas, stabbing him and leaving him to be butchered by his staff.

Within a few years the Douglases were defeated in battle and the survivors forced into exile.

And James suffered a bizarre death, killed when one of his own cannon exploded beside him.

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Fatal fire power of a 'fyre-faced' king



James II saw himself as a major player on Europe's stage and lived – and died – for new gun technology

The birth of twin boys to James I and his queen Joan Beaufort in October, 1430, was cause for extravagant celebration. The succession seemed secure.

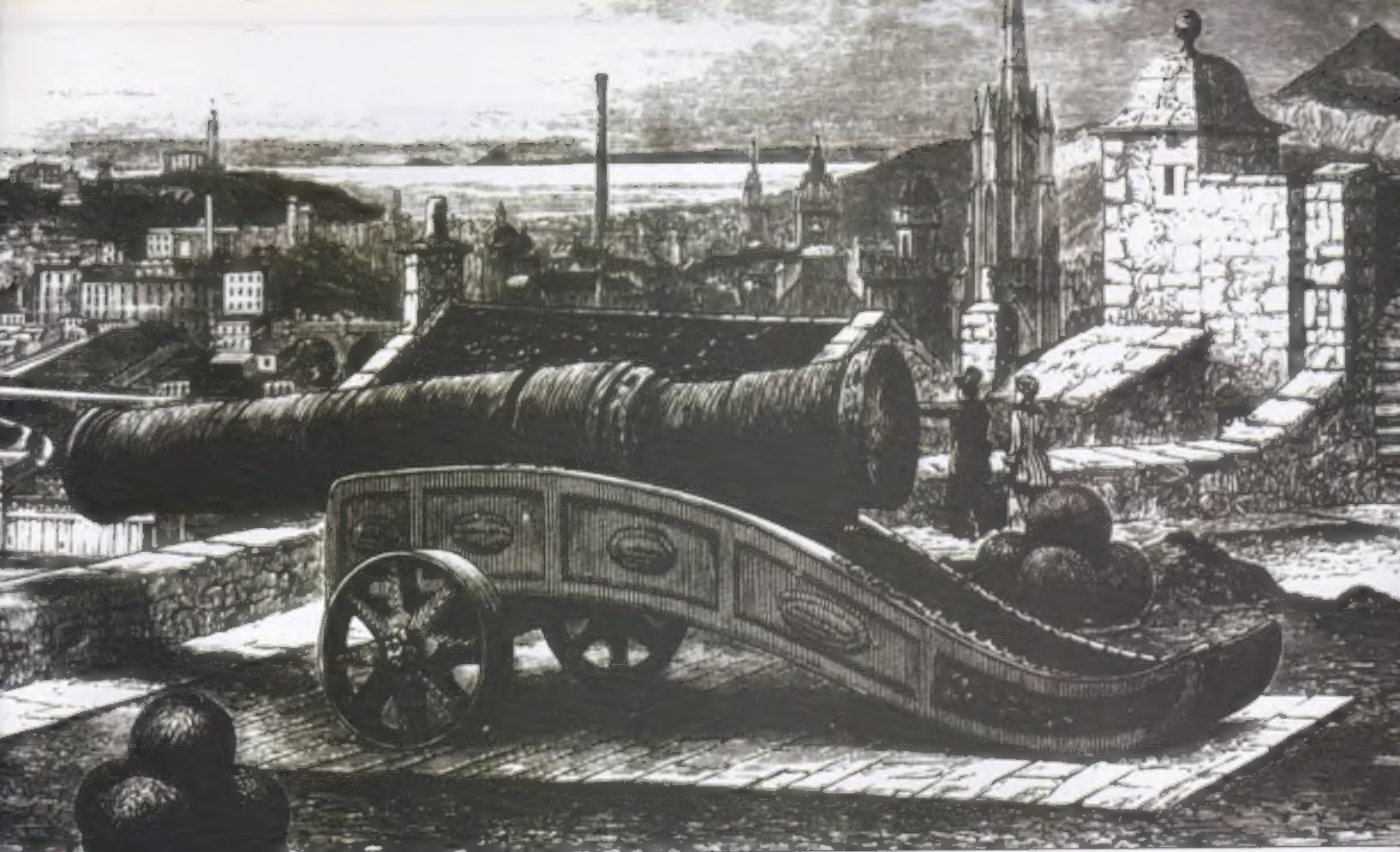
However, the elder twin, Alexander, died in infancy and the surviving prince James was to inherit the kingdom of Scotland at the age of six – plunging the country into the turmoil and uncertainty of a royal minority.

A deep red birthmark, which covered the left hand side of his face, made James II physically striking, and earned him the description in a contemporary chronicle as the king 'with the fyre mark in his face' – and events were to prove he had the temperament to match.

Following the assassination of his father, the coronation of the new king took place on March 25, 1437, at Holyrood, rather than at the more traditional site of Scone – probably because of the proximity of the latter to Perth, the scene of James I's murder.

The problem of establishing a minority government to run the kingdom until the king was old enough to take his own control was rendered more complex because of severe depletion in the ranks of the higher nobility. The queen led a

■ The red birthmark on James's face made him physically striking, and he had a temperament to match.



■ Mons Meg, the giant siege cannon James II (below) brought from Burgundy. This illustration of the gun at Edinburgh Castle dates from 1860.

faction which based its strength on the physical 'possession' of young James II. But on the death of her staunch supporter, the Earl of Angus, in October, 1437, the task of establishing the minority government was given to Archibald, fifth Earl of Douglas, who – as a senior representative of the higher nobility and closest in line of succession – was appointed lieutenant-general.

When he succumbed to the plague in 1439, the dearth of suitably noble candidates allowed the rise of opportunist members of the lesser nobility – notably William, Lord Crichton, and Sir Alexander Livingston, of Callender.

Crichton owed his status to consistent service to James I, using his administrative skills to secure the highest state office of chancellor. The Livingston family's power and influence was based on systematic acquisition of various offices and strongholds during the minority.

The instability of the minority, and the rivalry between Crichton and Livingston, involved the young king as a pawn in the power game.

The 16th century chroniclers related stories of the king being smuggled out of Edinburgh Castle (controlled by Crichton) and taken by Livingston to Stirling; then being

abducted by the Crichton faction and taken back to Edinburgh.

The imprisonment of the queen herself in 1439 effectively ended her political influence, confining her role to taking care of her children.

The Livingstons were unlikely to have behaved so audaciously without the powerful support and influence of the Douglasses. When the young sons of the late lieutenant-general were executed at the so-called 'Black Dinner' in Edinburgh Castle in 1440, their great-uncle fell heir to the Black Douglas estates as seventh Earl of Douglas. Consolidation followed, with the earldom of Moray being obtained for his son Archibald, and the marriage of his eldest son, William, to 'the fair maid of Galloway' – Margaret, sister of the executed sixth earl.

This was intended to recover the unentailed Douglas properties to which Margaret fell heir, but the marriage did not take place until after the seventh earl's death in 1443. The succession of William, eighth Earl of Douglas, was the culmination of the internecine struggle, and left the Douglasses and their allies the Livingstons dominant in court.

The remaining years of the royal minority saw the consolidation of Black Douglas power, although the ►





■ A contemporary rendering of King James II with his richly-connected European queen, Mary of Gueldres.

► King may well have been growing impatient to exercise his rule.

Negotiations for his marriage culminated in the Treaty of Brussels on April 1, 1449. James was to marry Mary of Gueldres, the daughter of Arnold, Duke of Gueldres, and niece of Philip the Good, Duke of Burgundy – the wealthiest ruler in western Europe.

The wedding took place at Holyrood Abbey on July 3, 1449. It

represented the most prestigious match for a Scottish king since the 13th century, and was a stimulus for political upheaval. The Scots' consequent access to Burgundian wealth – the financial powerhouse of Bruges – gave them better and richer trading links.

Even more importantly for a king obsessed with fire-power, the Burgundians' prowess in the making of up-to-date military weaponry

meant that he had access to the very latest battlefield technology.

This enthusiasm was shown in the type of home he gave his bride – Ravenscraig Castle in Fife, an artillery platform designed to protect the Forth from English raids.

The welcome boost to Scotland's royal finances brought by Mary in the form of her £30,000 dowry was mitigated by the dower lands worth £5,000 with which the Scots were to

provide the queen. But James II's principle concern on assumption of personal power was to augment royal lands and finance.

The first casualty of his political muscle-flexing was the Livingston family – whose network of offices included the justiciarship; captaincy of the castles of Doune, Dumbarton, Dunoon, Methven and Stirling; and the important fiscal office of comptroller.

The chief beneficiaries of the notable increase in the landed revenues of the Crown, following the forfeiture of the Livingstons, were the Queen and William, eighth Earl of Douglas – who seemed to accept the fall of his erstwhile allies with equanimity.

That Douglas failed to perceive the fragile nature of the King's favour is evident in his decision to depart for Rome in October, 1450, to attend the Papal jubilee. Just after he left, the earldom of Wigtown – held by Margaret, widow of Archibald, fifth earl of Douglas – was seized on her death by the King.

Though he wanted to set limits on the expansion of magnatial power they had achieved on a spectacular scale, it is unlikely that James set out with the intention of destroying the Black Douglasses. But the method adopted awakened fearful memories of James I's arbitrary ruthlessness and created unease among members of the political community, concerned for their own positions.

The overt demonstration of loyalty offered by Douglas on his return may have averted disaster, but the nature of the relationship between Douglas and the King had changed to latent hostility. It prompted Douglas to seek allies within Scotland to support him in the face of possible future royal aggression. He entered into a bond of alliance with the earls of Crawford and Ross, which was crucial in hastening the showdown between him and the King.

This bond clearly contained features unacceptable to James, not least of which would have been the men involved. John, Earl of Ross, and Alexander, Earl of Crawford, had recent records of defiance and trouble-making.

The earldom of Wigtown was restored reluctantly to Douglas in October, 1451, but Douglas styled himself Earl of Wigtown in a charter in January, 1452, shortly before he received a royal summons to Stirling.

That Douglas demanded a safe-conduct guarantee before venturing there is sufficient illustration of the

His campaign against the Douglasses ruffled more feathers than it smoothed

deterioration in the two men's relationship.

Events were to justify such wariness. During an argument concerning the infamous bond on February 22, James II stabbed William, Earl of Douglas, aided in his attack by several other courtiers, to the extent that (according to a contemporary chronicler's account) the earl's body had 26 wounds.

Even in a Medieval context, this was a shocking event. To renege on a safe-conduct, which was an assurance to the earl that no harm would come to him, was a violation of the Medieval code of honour.

The hot-blooded murder of Douglas – James was said to have stabbed him at least twice – required the King to act speedily to protect himself from recrimination and backlash, and he embarked on an energetic programme of securing support and rewarding loyalty.

That he was uncertain about the outcome of his efforts is shown by his removal of his heavily-pregnant queen from Stirling to the comparative safety of the bishop's palace in St Andrews. And a later attack on Stirling by a furious faction led by James, brother of the murdered William, showed that his caution had some justification.

With greater resources of land and the tradition of loyalty to the king, it may be that victory for James II was inevitable, particularly as the Black Douglasses had incurred unpopularity in their rise to prominence – not least within their own kin base, dating from the dubious power-shift following the 'Black Dinner'.

But it is clear that James had to work hard to placate the political community and achieve parliamentary exoneration in June, 1452. His subsequent campaign in the south of Scotland, intended to root out lingering support for the Douglasses, ruffled far more feathers than it smoothed, and led to the King being forced twice to come to terms with the ninth Earl of Douglas in 1453.

That the King had no intention of

allowing the rehabilitation of the Black Douglasses is clear, but he pursued the final destruction of the family less precipitately, ensuring that the patronage at his disposal delivered rewards to those who supported him. A final attack on Black Douglas lands began in March, 1455, and led to their final forfeiture in the June parliament, although the ninth earl and his family had already fled to England.

Having supported the King to this extent, the three estates were keen to focus on the restoration of stable government with well-husbanded royal resources. The annexation of rich Douglas lands to the Crown boosted royal wealth, but parliament was keen to ensure that these, and other resources, were not squandered in patronage but held to generate income – keeping at bay systematic taxation or other encroachments on the nobility's wealth.

To address the depletions in the ranks of the higher nobility, James II created new earldoms – Argyll, Rothes, Morton, Erroll and Marischal. Of these, the Campbell earldom of Argyll was the only

territorial one, recognising Campbell influence in an area where he could be used as a loyal Crown agent to control the less reliable Lord of the Isles.

The lesser nobility were similarly rewarded with several new creations of lords of parliament, underlining political status and conferring prestige with little or no cost to the crown in terms of land or fiscal grants. None of the new creations threatened to emulate the political or landed influence lately held by the Black Douglasses, but the three estates' effort to restrain the King had only a limited effect, as parliament was once again appealing to him to keep statutes and act with wisdom and judgment as late as 1458.

The Stewart monarchs saw themselves as major players on the European stage. Alliance-through-marriage was an important aspect of this – they were linked by marriage to France, Burgundy, Austria and Brittany. Negotiations were under way in 1459-60 for a Danish marriage for James II's heir – James, Duke of Rothesay, who was to acquire Orkney and Shetland for the

Scottish crown. Of course, there was always the traditional way of acquiring power and influence.

An interest in warfare was not uncommon in the context of Medieval kingship, and James II spent lavishly on artillery, the most famous of which was Mons Meg, acquired from Burgundy in 1458.

From 1455 until 1460, the King waged a campaign against England, exploiting the civil unrest which had weakened the government.

Raids on Berwick in 1455 and the Isle of Man in 1456 proved fruitless. But the siege of Roxburgh, held by an English garrison, was ultimately successful – at a terrible price to the Scots.

On August 3, 1460, James II was killed when one of his beloved artillery pieces broke apart as he was watching it being fired.

The queen, present at the siege, insisted that it be continued and Roxburgh fell shortly afterwards.

But the sombre task of arranging for the administration of yet another royal minority for the eight-year-old James III effectively robbed the Scots of their triumph. ●



■ Ravenscraig Castle: The home James II gave to his wife, Mary of Gueldres. It was designed for artillery.

Men who breathed life into our history

They had few written records to consult and sometimes they had to use a bit of imagination, but Scotland's chroniclers made the nation's story really come alive

■ An English raid on the abbey church at Inchcolm island in 1385, recorded by the Abbot there – Walter Bower – in his *Scotichronicon*. Above right: an illustration from his work.

How do you define a nation? One thing most nations have in common is a long history. In Scotland's case it has been claimed that the kingdom was among the most ancient in Europe. Indeed, in the 1320 Declaration of Arbroath it was said of the Scots that 'in their kingdom one hundred and thirteen kings of their own royal stock have reigned without the intrusion of a single foreigner'.

A generation earlier an earnest academic had calculated that, when John Balliol was made king on November 30, 1292, the Scottish kingdom was 1,976 years, nine months, and eight days old.

When you examine these claims to an ancient history you quickly see that they are all based on deliberate misrepresentations. The statement that Robert Bruce was the latest in a succession of more than 100 kings of Scottish royal stock, for example, was made up by taking kings of Dalriada (an area roughly equivalent to Argyll), who ruled between the 6th and 8th centuries, and shoving them back by nearly 1,000 years! And the figure of 113 kings 'without the intrusion of a single foreigner' included about 60 Pictish kings who (according to the Declaration of Arbroath itself) were regarded as foreigners because they were not Scots!

The earliest records of events were made by major churches who noted down the deaths of people very important to them.

The first known attempt to use these records to write a chronicle was on Iona in the 7th century. Chronicles of this sort, in turn, were used to construct lists of kings who

succeeded each other. Frequently these chronicles and king-lists were extended back in time by making things up. None of these, however, was written as a continuous story. They were nothing more than lists of names, dates or an unrelated sequence of events.

It was many centuries later before any of this information was used to write a narrative of a nation's history. But a lot still had to be made up to create a long enough past.

The earliest surviving history which tells the story of the Scots from their alleged origins in Egypt at the time of Moses





is the Chronicle of the Scottish People written by John of Fordun sometime between 1371 and 1387. We are told that Scots arrived first in the Hebrides led by Eochaid Rothay, and that their first king, descended from Eochaid, was Fergus son of Ferchar who brought the Stone of Scone from Tara in Ireland and so established the Scottish kingdom in 330 BC – all made up, of course.

Little is known about John of Fordun. He was probably a priest in Aberdeen Cathedral. Perhaps he came from Fordoun in the Mearns. He has often been called the father of Scottish history.

But in the Middle Ages it was normal practice for historians to 'write' their works by copying from existing books. Today we call this plagiarism, but then it was approved as a mark of respect for the authority of the written word. It is clear that John of Fordun copied much of his history from an earlier work which is now lost.

One indication of this is that Fordun's stories of Eochaid Rothay and Fergus son of Ferchar were known in 1301 to the Scottish lawyers arguing against Edward I at the papal court.

Another piece of evidence is a large fragment of a lost history written in 1285 which has, until recently, been mistakenly regarded as an unfinished draft by Fordun. This author in 1285 also knew the stories of Eochaid Rothay and Fergus son of Ferchar.

Why was this work lost? Because it was rewritten by later generations of historians who retold the story in a way which suited hopes and expectations of their age. The success of Fordun's history meant earlier versions of the national history were regarded as old-fashioned and would not have been kept. The appeal of Fordun's history was probably a greater emphasis on Scotland's freedom from England which was not such a contentious issue before the Wars of Independence.

Fordun's history itself was almost superseded by the *Scotichronicon* of Walter Bower, written in the 1440s. He based his work on Fordun, but added a

lot of new material. He included some European (especially French) history.

It is a huge work, consisting of 16 books. Bower realised that this was quite unwieldy and set about rewriting it, cutting out material which was not strictly relevant to Scottish history.

But the revised work ended up about as long as *Scotichronicon* itself, and was divided into 40 books! It has never been published. It is known as the Book of Coupar Angus, the name of the principal manuscript of this work.

Bower was born in 1385 in Haddington, East Lothian. In his early teens he entered the monastery at St Andrews, and became one of the first students to attend the university which was founded in the Fife town in February, 1414.

He was a 'high flyer', and in 1417 became abbot of Inchcolm. This made him a public figure, and he attended parliament and royal councils.

In one of these councils he successfully led the opposition to making peace with England. He also supervised the collection of taxes in 1424 and 1431-3.

Bower clearly did not see the abbacy of Inchcolm as the summit of his ambition. Twice he made strenuous attempts to become abbot of Holyrood, one of the richest monasteries in Scotland. Twice he failed. He remained abbot of Inchcolm until his death on 24 December, 1449.

Bower's history is virulently anti-English in tone. There is no evil that the English (and especially their kings) are not capable of. Bower even believed that some Englishmen had tails (because of the sins of their forefathers).

The year that Bower was born, Richard II of England led an army as far as Edinburgh. Nothing in Bower's home area was spared from destruction.

The bitterness and hatred this caused must have made a deep impression on Bower as he grew up. His anti-English prejudice would also have been

shared by the community of canons he ruled as abbot of Inchcolm. Inchcolm is on an island in the Firth of Forth and was exposed to attacks from English pirates. One such raid took place in 1385, an event recorded in the *Scotichronicon*.

The monastery was redesigned and rebuilt – possibly by Bower himself – to protect it from raids and make it 'fireproof'.

Bower was also prejudiced against the Highlands. He regarded Highlanders and the Irish as lawless barbarians, a view which would not have been shared by all the political leaders in his day. He had a dim view of nobles, too, who he regarded as greedy exploiters of the weak and defenceless.

His history is punctuated by passages on moral behaviour which may have been sermons which he had preached.

He also had much to say about how Scotland should be governed. High on his list of government priorities is respect for the Church!

Bower himself, and others, produced shorter versions, which were not superseded until the publication in 1527 of the *History of the Scots* by Hector Boece, principal of Aberdeen University.

This was a stylish retelling of the national history, in line with Renaissance literary taste. Within a decade it was adapted into Scots by John Bellenden, making the national history accessible to a wider audience.

The work of Boece was in turn later retold by the great political philosopher George Buchanan.

We may not know the name of the first author of this national history, but we can celebrate Fordun, Bower, Boece, Bellenden and Buchanan as fathers of the Scottish nation in their own times and for future generations.

It was they who kept the national history alive and relevant, until it was finally discredited in the 18th century with the new dawn which became the Scottish Enlightenment. ●



THE POWER TO RIVAL KINGS

When Scotland fought England, the family's following was appreciated. But the Black Douglasses lost favour when their strength began to scare royalty itself

The name of the Black Douglasses conjures up the traditional image of Medieval Scottish nobility. On the one hand, proud and lawless barons, holding court in the setting of massive and forbidding strongholds like Threave in Galloway or Bothwell on the Clyde; on the other, defenders of Scotland from the attacks of the English enemy, the heroes of Border ballads and epic poems.

The Black Douglasses were the greatest and most notorious of the lords of late Medieval Scotland.

The foundations of the family's power were in the service given by James Douglas – 'the good Sir James' to his lord, Robert Bruce. James's struggle to recover his ancestral lands at Douglas in Lanarkshire from English occupation mirrored the efforts of Robert to secure the Scottish throne. James

also founded Douglas dominance in the Borders by making his base in the uplands of Ettrick Forest, used as a refuge by Wallace before him.

In 1314 James emerged from this stronghold to storm Roxburgh Castle and, after Bannockburn, acted as one of Bruce's key lieutenants.

For the next 14 years Douglas led Scottish armies south to devastate northern England, winning the name of Black Douglas and a diabolic reputation from his foes – both for his swarthy colouring and for his ruthless skill in war.

To the English as far south as York he was the 'bogeyman'. Worried mothers soothed their frightened children to sleep with the rhyme:

*Hush ye, hush ye, little pet ye;
hush ye, hush ye, dinnae fret ye.*

The Black Douglas will na get ye.

Douglas was rewarded by King Robert with lands and lordships

along the border. So defence of his lands and of Scotland became one and the same.

Later generations of the family celebrated James's deeds and his links with Scotland's hero-king. They took special pride in James's



■ The heart on the Douglas coat of arms represents that of Robert Bruce.

final exploit – his death in battle with the Muslims of Spain, while carrying the dead king's heart on crusade.

The blood-red heart of Bruce was adopted by the Douglasses as the central badge of the family and the relationship was exploited to claim a special status within the Scottish nobility.

While James had been a loyal servant of the Bruce, after his death in 1330 his successors had to defend his lands and legacy from English attack without royal leadership.

Lords like William Douglas, the knight of Luddesdale, and James's nephew, the first Earl of Douglas, defended southern Scotland against the enemy and persuaded or forced Scots to follow their banner.

They increasingly resented any challenge to their rule from Scottish rivals and even Robert's son, David II, found himself opposed by Douglas magnates.

James Douglas himself left a bastard son as heir to his reputation, if not his lands. This son was known as Archibald the Grim or Black Archibald, and was a giant who bore a massive sword in battle.

When David II returned to Scotland in 1357, Archibald renewed his father's loyalty to the house of Bruce, winning control of Galloway for the king and receiving it as his private lordship.

After the death of his cousin James, second Earl of Douglas – in battle at Otterburn in 1388, Archibald moved in, against the wishes of the government, to secure the lands of his father.

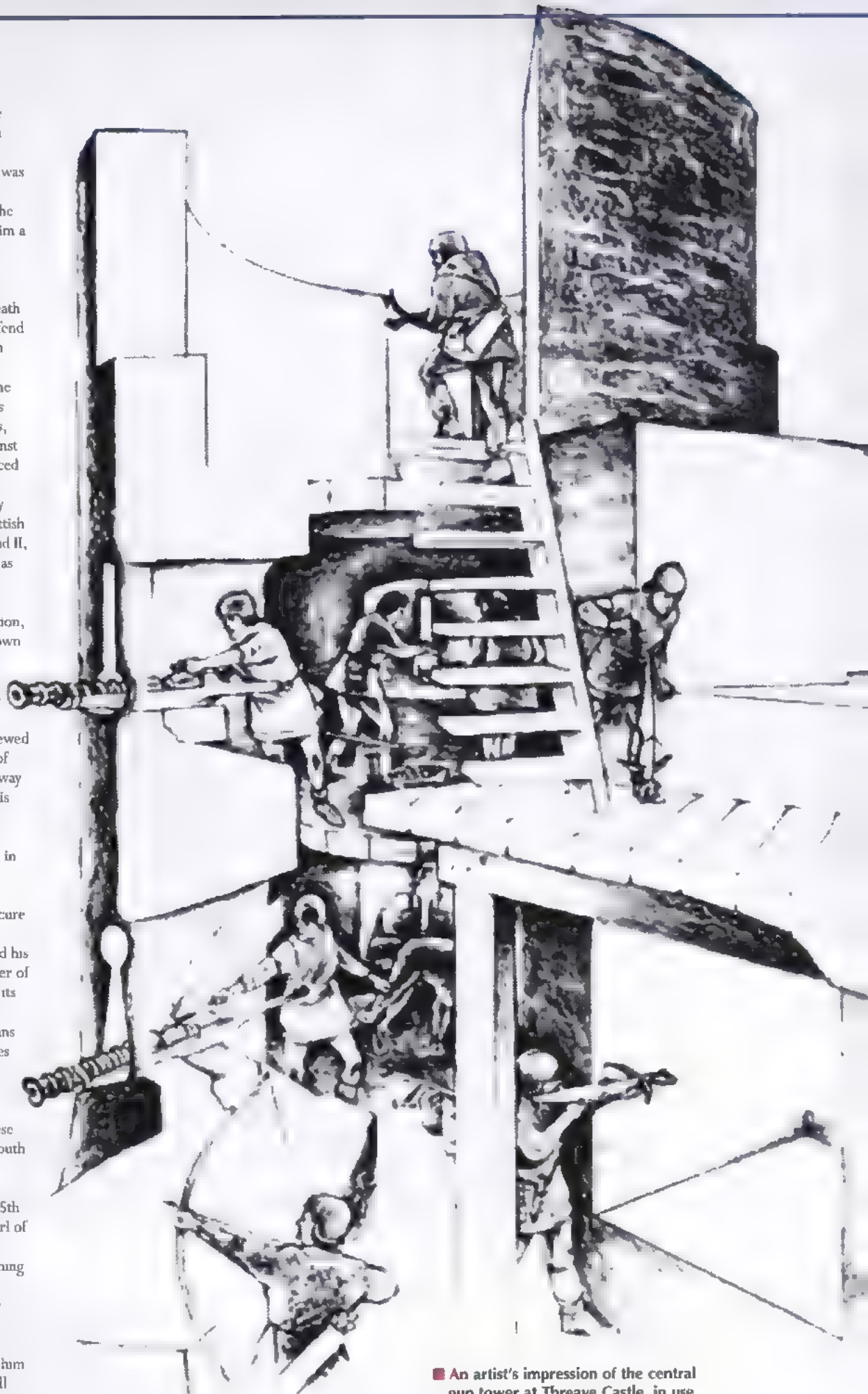
Under Archibald the Grim and his son, another Archibald, the power of the Black Douglas earls reached its height.

The Stewart kings and guardians were hampered by family disputes and, on several occasions, the Douglasses held the political balance in the kingdom.

In return for their backing these earls demanded support in the south against the English and their neighbours.

By the second decade of the 15th century Archibald, the fourth Earl of Douglas, was by far the greatest magnate south of the Forth, running a huge network of lands and followers from Edinburgh Castle.

Though he was consistently unsuccessful in battle, and was scarred by wounds that had cost him an eye and a testicle, Douglas still sought new wars and the profits they brought. By 1415 he was looking beyond Scotland to France. The ►



■ An artist's impression of the central gun tower at Threave Castle, in use during a siege in 1455. Today, Threave is just a ruin (opposite page).

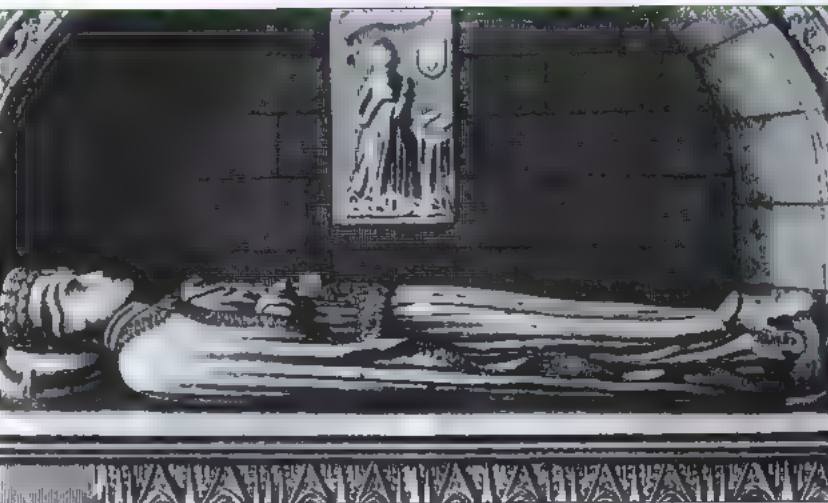


► Douglasses had a long history of friendship with the French, serving their kings, championing the Auld Alliance and attracting continental knights to their households.

After their defeat by Henry V of England at Agincourt, the French faced military conquest. In these circumstances, they looked to Scotland and to Douglas for help. So in 1419 a Scottish army led by Douglas's son and son-in-law sailed for the continent – and two years later scored the first victory of the war, defeating the English at Baugé and killing Henry V's brother.

This success encouraged Earl Archibald to take a hand in the war at a price. In 1424 he brought a fresh army to France, and in return received the Duchy of Touraine in the Loire valley, one of the richest provinces of France. He was the only duke in late Medieval France who was neither royal nor French, a fact which indicates the importance of his support.

But the prospect of a Franco-Scottish empire lasted for only a



summer. It died with Douglas and most of his army in their bloody defeat by the English at Verneuil in August, 1424.

Verneuil also marked the beginning of the decline of Black Douglas fortunes in Scotland.

A few months before the battle Scotland received a new ruler when James I assumed power. James was a

different kind of king from his father and grandfather.

He was not prepared to accept the power and independence of magnates like the Black Douglasses. Though he was the king's nephew, Archibald, the new fifth Earl of Douglas, was forced to play a very different role to his father – avoiding conflict, accepting the loss of power to the king, and

facing continued royal mistrust. Douglas even suffered brief imprisonment at his uncle's hands in 1431, but unlike many Scottish lords, he survived James's reign.

When the king was murdered in 1437 Douglas was chosen to head the government for the young royal son, James II. But hopes for a full recovery of the family's power were

■ Bothwell Castle: Even today it is easy to see how this fortress on the Clyde would have reflected the Douglas family's power and wealth.

■ Left: A Douglas tomb in Lanarkshire. Probably that of Archibald, the fifth Earl, who died of the plague in 1439.

Their castles survive across the land today as potent reminders of the Black Douglasses' strength as warlords

shortlived. Two years later, the earl himself died of plague, leaving his lands and title to his teenage son.

In the troubled years after 1439 Black Douglas fortunes were shaped by the bloated figure of James the Gross. The younger son of Archibald the Grim, James had a career of service to his family which obscured his own ambition

In 1440 his great nephews – William, the sixth Earl and his brother David – were invited to a banquet at Edinburgh Castle. After the meal they were arrested, hastily tried for treason, dragged outside and beheaded

During the last course a black bull's head was placed before the earl as a sign of his impending death. The shameful episode, known as the 'Black Dinner', allowed James the Gross to become seventh Earl of Douglas. James completed his takeover by forcing his victims' sister Margaret, 'the fair maid of Galloway' – to marry his son, William

When William succeeded his father as earl in 1443 he sought a complete restoration of Douglas power. Defeating his enemies in a civil war, he claimed a special status for the house of Douglas based on his ancestors' defence of Scotland

When the earl went on pilgrimage to Rome in 1450, he was feted in the courts of Western Europe. Such



■ The boy King James II watches as the Earl of Douglas and his brother are attacked during the infamous Black Dinner at Edinburgh Castle.

displays of aristocratic power were no longer acceptable to the king or to many of Douglas's peers. While the earl was abroad, the young king, James II, launched an attack on his lands. But this attempt to reduce Douglasses' standing backfired

When he came home, the earl forced James to back down. The king's fury at this humiliation boiled over in early 1452. During a meeting between the two men at Stirling, James drew his dagger and stabbed the earl, leaving him to be butchered by the royal servants.

Renewed civil war followed, in which the murdered earl's brothers sought to bring down their king. Though a peace was patched up, Scotland had become too small for both King James and the Black Douglasses. In 1455 a third conflict erupted...and this time the king's preparations gave him total victory. He systematically destroyed the major Douglas strongholds. Last to fall was the island fortress of Threave, which was besieged

by the royal army for two months before it was taken

The Black Douglas family were killed or driven into exile. They had risen in war with England, then the needs of Scottish kings and Borders people for leaders and protectors formed the basis of their power

By the 1400s the earls of Douglas could raise armies of thousands from their followers. Their castles survive across Scotland as potent reminders of their strength as warlords

However, by the middle of the 15th century, the era of major war with England, had passed

For kings like James I and his son, the power wielded by the Black Douglasses was a challenge to their own rule. For lesser families, such as the Scotts and Maxwells, the Douglas earls were a barrier to their own rise.

The result was the downfall of the Black Douglas dynasty

Though they still claimed to be the loyal servants of Scotland's kings, by the end they acted more like the crown's rivals ●

■ The 12ft pennant of the Douglasses, carried at the Battle of Otterburn in 1388.

TIMELINE

1330

Death of Sir James Douglas (below) who through loyalty to the Bruce kings starts the Douglasses' rise to power.

1357

Archibald the Grim renews his loyalty to Bruces when David II returns to Scotland.

1388

Archibald takes father's lands.

1424

Battle of Verneuil ends Douglas Franco-Scottish empire. Under James I they keep low profile and survive.

1430

Future King James II born.

1437

Assassination of James I brings James II to throne aged six. Earl of Douglas heads government in his name.

1440

William, the sixth Earl of Douglas, killed at Black Dinner.

1443

William, the eighth Earl, restores Douglas prestige.

1452

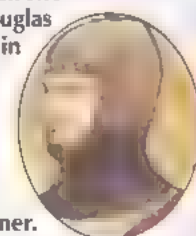
James stabs Earl William at Stirling, starting a civil war.

1455

In just three months James II has destroyed the Black Douglasses, thereby securing the Stewart kings' grip on power.

1460

James II is accidentally killed by exploding cannon at the siege of Roxburgh.





BLOOD, BONES AND A DRAIN

There's not much left of the huge Soutra Hospital complex in the Borders which was a staging post in the north-south journey. But its secrets are being unravelled



Underneath a treatment room in a Medieval hospital, a drain became blocked some time in the early 14th century. The monks caring for the sick there, it was probably a minor domestic mishap and the blockage was never cleared.

But to modern medical archaeologists, researching the hidden world of early medicine, the blocked drain has turned out to be an unexpected bonus, a databank of deeply-coveted information.

Fifty cubic metres of waste have been trapped underground for centuries. In archaeo-medical circles across the globe, the accidental blockage at Soutra Hospital in the Scottish Borders has delivered a time-capsule whose secrets are taking decades to unravel. And this is not being undertaken without a frisson of danger. For example, there are

theoretically sufficient anthrax spores trapped in the drain to kill 150,000 people. But these deadly spores, capable of passing on a virulent infection, had been treated with quicklime and, happily, produced no modern casualties.

At an altitude of 1,200 feet (371 metres), the House of the Holy Trinity at Soutra was the highest known hospital and monastery in the British Isles. It was founded there some time before the 12th century by Augustinian monks whose Order specialised in medical practice and ran more hospitals throughout Europe than any other brethren.

But Soutra is a remote place in harsh and exposed country where winter snows have been known to reach 45 feet in depth.

Why on earth would anybody build a piece of landscape? The answer is

that it lies at a point where the 'Via Regia', the traditional highway between Scotland and England — lying parallel to the modern A68 — cut across a line of natural springs. The water from at least two of them was trapped by deep wells which existed until late Victorian times.

So a reliable water source and proximity to a busy highway surely determined the location, and Soutra Hospital was long used as a staging post on the north-south journey.

Yet visitors to the site today are surprised at the size of this religious and medical complex — as well as the fact that no buildings remain. There isn't even a picturesque ruin to mark the earthen toil of Augustinian monks over centuries of dedication to the sick and lame, even before the site became a true science

Aerial photographs show that the monastery and infirmary

buildings were spread over an area of about three-quarters of a square mile. Where ancient walls lie under the turf and prevent moisture from reaching the spots, the ground-plan of these buildings is marked out by the lines of parched grasses, like a blueprint from the past.

Not all the buildings whose ghostly outlines are marked on the moorland would necessarily have been in use at the same time, for this is a place which was in occupation over many generations.

Because monasteries were laid out according to a conventional plan, it is possible to identify the lines of the church, the headquarters of the vast estate, estimated at 20 square miles which supported the monastery and its hospital, and other buildings such as hostels, stables and workshops. Strange as it may seem, the fact that no stones



There were spills from pine-wood tar used to seal amputations

remain above ground at Soutra Hospital has been a huge advantage to archaeologists. In them, ancient drains are the first priority, for that is where they will find the traces of medical waste which will allow them to build up a picture of how patients were treated in the Middle Ages.

If there had still been ruined buildings at Soutra, and because important ruins are usually protected, this might have

inhibited them from digging on the site and discovering the blocked drain which has turned out to be such an important source of information.

Unpleasant as it may seem to the rest of us, medical sleuths seek their knowledge of ancient treatments in drainage channels and contents. To identify such a drain, they will look for debris that has a high blood content due to the long-abandoned practice of 'bleeding' patients; a high lead content from the lead piping; and also traces of plants which are known to have been used in herbal treatments.

Once such medical waste has been identified, samples must be

taken and sent to microbiology laboratories for analysis. This is, of course, a highly specialised kind of archaeology, well beyond the traditional volunteer brushing gently at buried stones and bones.

The network of people around the world whose expertise has been brought into play to unlock the secrets of Soutra Hospital numbers around 2,500.

And what exactly has been found in the blocked drain?

One group of 574 seeds – no more than would fill a match box – was identified as black henbane, opium poppy and hemlock.

This points towards a mixture known as a 'dwale', a stupefying drink given to patients before

they underwent amputation. This state of unconsciousness could be maintained for about 96 hours.

Intriguingly, a severed human heel-bone was found in the drain close to this group of seeds.

Also identified from the drain have been pieces of sponge, probably used in applying narcotics to patients before surgery.

There were also minute fragments of galls which were used to bring patients back to consciousness; spillage from pine-wood tar perhaps used in sealing the amputated stump; and the remains of an alloy rod with a U-shaped section, which may have been used as a surgical tube.



incipit Secundus liber
de apostematibus pueri
et exitu
postema pueri effe
cacia diffinitur
6. in primo de egr



Top and right: Wood carving and treatment. Below: Cassian and Damian, patron saints of pharmacists

for clearing constrictions.

Altogether, the remains of more than 250 non-indigenous plants have been identified, showing that the hospital boasted a considerable medicine cabinet of herbal treatments, procured from other lands.

Fragments of pottery have revealed that the jars contained ointments such as opium mixed with grease as a pain-easing salve, and treatments including the tormentil plant for clearing intestinal worms.

There have been surgical blades and discarded dressings, some with salves and human tissue still attached, and various species of human parasite

including liver fluke, fleas and lice. Given as these finds might sound, they offer the medical archaeologist fascinating insights into the running of a major hospital in the Middle Ages.

As well as signs of caring there are also signs of suffering. The drain has offered up numerous extracted teeth as well as bones from infants, possibly stillborn. The high concentrations of tetanus and anthrax spores indicate that the hospital suffered a major outbreak of

chills.

The

House of the Holy Trinity at Soutra figures strongly in Borders folklore and offers rare proof of Thomas the Rhymer as a genuine figure of history. In 1294 his son and heir also called

Thomas conveyed all his lands to support the hospital's upkeep.

It was the most richly-endowed hospital north of York and was last mentioned in 1650.

The medical archaeologists, discovering its secrets, first researched all

Broken ointment jar gives clues to Soutra techniques.

known works on Medieval medicine, such as the 11th century *De Viribus Herbarum* (Concerning the Powers of Herbs) written by a man called Macer. Translated into many languages, this was the Medieval 'home doctor'.

Investigations on the site began in 1986 and have attracted interest and practical support from many parts of the world.

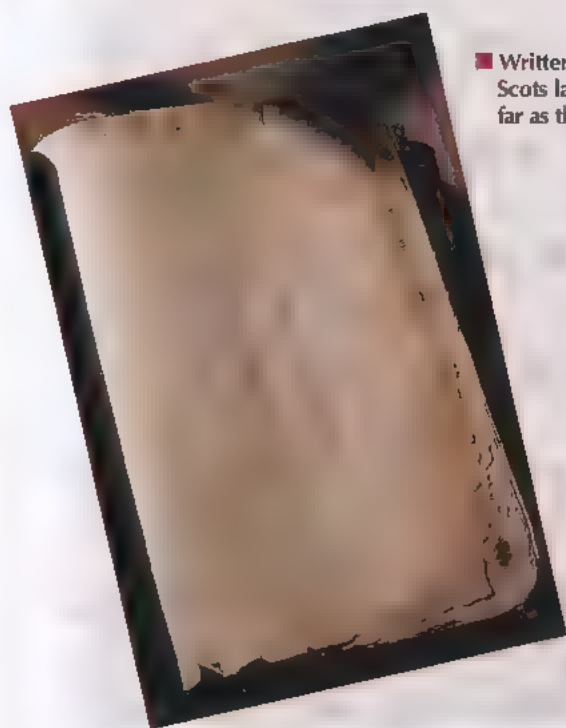
And it is of more than passing interest to the medical sleuths that herbal medicine is experiencing a renaissance and gaining greater acceptance among today's doctors.

What is being discovered at Soutra talks of a rich heritage over caring generations. ●

HOW SCOTS LAID DOWN THEIR LAWS

It may owe something to the Romans and even the English, but our common law has remained unique to Scotland for 700 years

■ Written references to Scots law go back as far as the 13th century.



The concept of 'the common law' of England – common to the subjects of the king of England and declared in his courts – is well known and well understood. But it is not always realised, even by Scots, that Scotland, too, has had its own very successful common law for more than 700 years.

The term 'the common law of Scotland' is first found in the 13th century. Like the common law of England, it was the law common to the kingdom and declared in the king's courts. Its emergence can be attributed to two main factors – a growing sense of Scottish national identity, as the kings of Scots forged a unified kingdom out of diverse elements; and the example of the common law of neighbouring England.

The common law of Scotland drew on a variety of sources – feudal law, Roman law, canon law and native customary law.

Part of this customary law

was Germanic in origin – as was the case in most of western Europe – but part was Celtic, deriving from the law of the original Gaelic-speaking Scots.

Some technical terms of Celtic law, indeed, survived in Scots law until modern times. Such, for example, was the render of cain – paid in kind, or later in money – to a lord in token of his authority.

However, at the core of the common law lay feudal law, which dealt firstly with the holding and transfer of land. The classic work on feudal law was the *Libri Feudorum*, or 'the Books of the Feus', compiled in northern Italy around 1150 – but the details of feudal law varied across Europe.

The variety of feudal law which had most impact in Scotland was, unsurprisingly, Anglo-Norman, which lay also at the base of the English common law. Borrowings from England are to be found in the administration, procedure and substance of Scots law.

Thus Scotland borrowed



■ Ageing gracefully: the mellowing minute book of the Society of Writers to the Signet Library in Edinburgh, with entries from 1700 to 1800.

from England the offices of sheriff and of justiciar. In civil matters procedure by writ (or brieve) and inquest was borrowed. So, too, was procedure by indictment before a jury in criminal matters.

The 'legal rights' in succession to moveables, which still apply in Scots law to protect widows and children, were copied from Anglo-Norman law, while the rules of succession to land or 'heritage' – which favoured males over females, and the eldest among males – were also copied from England. Disgracefully, the latter were to continue until 1964.

But the common law of Scotland was not at any stage merely a pale copy of English law.

The customary law base was partly Celtic, as has been seen. And English institutions, once borrowed, were adapted

to Scottish use and took on a life of their own.

In England the office of justiciar disappeared long ago, and that of sheriff has become largely ceremonial. But in Scotland the sheriff remains today an active officer of the law, and the justiciar has evolved into the Lord Justice General, Scotland's highest judge in criminal matters.

One interesting example of the procedure of brieve and inquest (adopted from England) being used for a peculiarly Scottish purpose occurs in 1428.

In that year, an inquest of 15 men found before Sir John Spens, bailie of Glen Dochart, that one Finlay Dewar was the lawful keeper of the relic (which survives to this day) known as the coigreach, or pastoral staff, of St. Fillan.

It used to be contended that the Wars of Independence

with England marked a clear break in the course of Scottish legal history – development before that time having being characterised as 'a false start and a rejected experiment'. This was misleading.

Even before the Wars of Independence the increasing complexity of English law, and the legislation of English kings, ensured that the law north and south of the Border would develop along different lines.

The wars with England clearly accentuated this trend, but far from the Anglo-Norman foundation of the common law of Scotland being rejected, it continued to be built on, even if further direct borrowings from English law became rare.

The most influential treatise in Medieval Scots law, *Regiam Majestatem*, known – like a papal

encyclical – from its opening words, was compiled some time after 1318, perhaps still within the reign of Robert Bruce, who died in 1329.

Much about the *Regiam* is obscure, but the opening words give an indication of some models the unknown compiler must have had in mind – the *Institutes of the Emperor Justinian*, promulgated in 529, whose opening words are '*Imperatoriam majestatem*'; and '*Glanvill*', one of the earliest treatises on the English common law, compiled in about 1200, whose opening words are '*Regiam potestatem*'.

In fact, the *Regiam* owes much to Anglo-Norman law, many passages from *Glanvill* being reproduced, only lightly edited; but the *Regiam* also owes something, if not directly to Justinian, then to the later Romano- ▶



■ Shelves of law reports, part of the collection in the Signet Library, which have contributed to cases over the years.

The kings of Scotland were concerned that their common law and no other law should be followed in their kingdom

- Canonical tradition – in particular, to the work of one of the leading 13th century commentators on the Canon law, Goffredus of Trani.

In Medieval Scotland there were many secular courts. At local level, the sheriff court was the king's ordinary court, probably presided over by a hereditary sheriff. Some burghs, too, could hold their own courts.

There were also many nobles who had the privilege of holding courts. Some were relatively minor – courts of barony with a limited jurisdiction, although still having power over life and limb. Others, the courts of regality, had sweeping semi-regalian powers.

These franchise courts existed throughout the Middle Ages and beyond. Above all, they looked up to parliament as ultimate upholder of the common law.

In 1399 it was declared desirable that 'ilke yher the kyng sal halde a parlement swa that his subiectis be servit of the law' (every year the King shall hold a Parliament so that his subjects shall be served of the law).

The kings of Scots were concerned that their common law and no other law should be followed in their kingdom.

Thus, in 1426 it was enacted 'that all and sindry the kingis lieges of the realme leif (live) and

be governyt undir the king's lawis and statutes of this realme alanerly (only) and undir na particular lawis na speciale privilegis na be na lawis of uthir cuntreis nor realmis'.

If the common law of Scotland owed much, particularly at the beginning, to the English common law, it came to draw increasingly on the Roman (or Civil) law tradition and on the Canon law.

The study of Roman law, based on the Corpus Iuris Civilis of Justinian, was effectively revived in the West in the 11th century at the University of Bologna in Italy.

Thereafter a succession of gifted scholars and expositors made Roman law enormously influential throughout Europe as a model and a secondary source of law.

At much the same time the canon law of the Western Church, itself owing much to the legacy of Roman law, was being forged into a coherent system, the main component parts of which were the Decretum of Gratian in the 12th century and the Decretals of Pope Gregory IX in 1234.

Canon law was the living law of the Church, and as such authoritative throughout western Christendom.

It was applied, in particular, in the courts of the Church, which existed parallel to lay courts in Europe, including Scotland, in the later Middle

Ages, and owed allegiance to the Pope rather than to any secular ruler.

These courts exercised exclusive jurisdiction over many matters which would now be regarded as secular, such as marriage, legitimacy and contracts supported by an oath.

However, the influence of Canon law was by no means confined to the Church courts.

Canon law and Roman law were, in a sense, the common learned law of Europe and, as such were referred to as the 'ius commune'.

Although distinct disciplines, they had many points of contact, and were often studied together. They influenced secular authorities and courts throughout Europe.

Scots law remained more open to the 'ius commune' than did English law.

This was partly because English law was precocious in its early development of central royal courts and a separate legal profession, and therefore, to an extent, exclusive.

Partly also because, after the Wars of Independence, Scottish students tended to study their law on the Continent, at universities such as Orleans, Paris and Leuven.

And partly because Scottish churchmen, trained in Canon and Roman law, did not confine themselves to the courts of the Church only, but continued also to play a major part in the administration of royal justice.

For example, William Elphinstone (1431-1514), Bishop of Aberdeen and founder of Aberdeen University, was for many years the most active member of the King's Council and of Parliament in judicial matters.

Under the guidance of men such as Elphinstone, the King's Council came increasingly to use the procedure of the 'ius commune' – the 'romano-canonical procedure'.

When a supreme court, the Court of Session, was eventually established in Scotland as a College of Justice in 1532, its procedure followed that of the Council.

Until the Reformation in 1560 half of its judges were churchmen and half were laymen. ●



■ Many townspeople kept their animals – pigs, goats, cows and hens – in their backlands and this closeness could transfer infection.

Time to live by the urban rules

When an embryonic town became a burgh with royal blessing, some market-centred order came to the chaos of early urban life – but didn't necessarily make it easier

Burghs – still with us today, in name at least – started out as communities or towns that had been given specific legal privileges by the king or one of his important magnates.

The most significant of these privileges was usually the right to hold markets and fairs, and to charge tolls or 'customs' on those who attended. The surrounding country people were obliged to come to these markets to buy and sell.

As a result, the most important urban landmark was the market cross. Set prominently in the open market place – along with the tollbooth, or townhouse, and the tron, the town weighing beam – it was the symbol of the community's authority and of the importance of the burghesses, the freemen of the burgh, and their senior officers, the provost and bailies.

Market days were noisy, busy and hectic. The market place would be lined with the booths of the merchants; and hawkers and pedlars would also set up their stalls.

All sorts of commodities were bought and sold – fish and meat, home grown produce, ale, wine, eggs, butter and gathered fruits, as well as local craftsmen's products, such as leather shoes and jackets, bone combs and tools, wooden stools and, sometimes, imported luxuries like spices, pomegranates and fine materials.

The sense of bustle was intensified by the bellowing and clucking of animals brought for sale, the jostle of traders, purchasers, children and scavenging dogs, hens and pigs; and the raucous laughter at the taunting of miscreants placed in the stocks or held fast by the neck to a pillory, or nailed by the ear to the tron, for all to ridicule.

But amid all this was an almost unseen order. Control of the market, the standards of selling and the quality and quantity of supplies were a major preoccupation. As all dealings had to be seen to be open

and fair, selling was to take place only at the market cross or in official booths in the market place, not at the quay or in the back alleys; and the town weights were the only

officially recognised standard.

Forestalling (the purchase of goods before they reached market so avoiding the payment of toll to the burgh) and regrate (the buying in bulk and possible hoarding to sell at an inflated price when prices were high) were both met with stiff fines or even banishment from the town.

Quality and price control were maintained by the rulings of the burgh court, and also by officials, such as the ale and meat tasters, chosen annually by the townspeople.

Also, all burghs imposed bans on essentials being exported out of the town in times of shortage. The main purpose of all these measures was to ensure an adequate supply of quality commodities for the most important consumers, the burgh community.

Burghs were not large places. We would now consider them more as villages of a few hundred people fewer than one in 10 of the Scottish population lived in towns.

They were often formally laid out, typically as a single street, the burgage plots running back in herringbone pattern from the street front. The town also psychologically distanced itself from the surrounding countryside, with ditches and wooden palisades.

The official entry to the town precincts was by the ports or gates. These were closed for the curfew at dusk, and when danger threatened.

As well as acting as collection points for tolls, equally important was the control of undesirables likely to annoy the townspeople. Burghesses also had ready access to, and exit from, the town through their backlands, and many burgage plots had their own small back gates out of the town. Although Stirling, Peebles and Edinburgh had stone defences by the middle of the 15th century, stone walls did not become common until the 16th century.

The burghesses' houses were usually set at the frontages of the burgage plots or tofts, each toft in the earlier part of the Middle Ages normally housing a single tenement, with a long garden at the rear.

In time, these backlands housed workshops, middens, wells and outhouses, as well as space for animal rearing. Some of the burgage plots on the town edges remained gap sites well into the Medieval period – which is also an indication of small population sizes.

This was not the case in the market centre, where pressure for space encouraged further building at the rear of plots. It was usually poorer members of the community who lived to the rear, but they still



needed to come and go through the foreland; this insistence on access resulted in the cores of many towns becoming jumbles of closes and tiny vennels.

Most Medieval buildings were of wood. The earliest urban dwellings were basic hut-type houses made of stakes and inter-woven wattle, with free-standing posts to support the walling and roofs thatched with cut heather or turfs.

From the late 13th century, an increasing sophistication in house building saw stakes set in wooden ground sills, later replaced by stone sills, and exterior walls given extra strength by heavy clay, dung, mud or peat cladding. Larger wooden buildings were roofed in colourful pottery tiles and some in slate.

Such was the improvement that when Pedro de Ayala visited Scotland in 1496, he reported that 'the houses are good, all built of hewn stone and

provided with excellent doors, glass windows and a great number of chimneys'.

This was, undoubtedly, an exaggeration, but does show that improvements were being made.

Dominating most townscapes were cathedrals, abbeys, parish churches, chapels, monasteries and friaries. Most were constructed in stone. The setting of friaries – an insight into the extent of Medieval urban settlement, as friaries often set on the edges either for peace or available building.

It becomes and closely burghs Medieval that develop suburbs.

It dominated the town emotionally. Burghs housed only one parish church, and worshipping together as a single community.



■ Burghs were often formally laid out - as show in this 1580 plan of Aberdeen.

Women who survived the child-bearing period lived much longer than men

probably encouraged a sense of closeness

Church life dominated town life. Baptism brought the child into protection, the few boys who attended schools were taught by clerics, handfasting (or becoming engaged) and marriage were church blessed, church festivals marked out the year and offered the only real chance of holidays - or holy days. Church bells regulated the daily routine of rising,

work and curfew; and church attendance.

Death was never far away. Though we have evidence that townspeople made efforts to maintain an element of cleanliness, the intermingling of industrial and agricultural premises with residential, the use of straw for flooring and bedding in houses, and effluence contaminating drinking water inevitably brought problems.

Many townspeople kept their animals - pigs, goats, cows and hens in their backlands and this closeness also transferred infection.

Several diseases were rife, some endemic and chronic, like leprosy.

Medieval people understood why it was wise to isolate victims and most major towns had a leper house set outside the town limits at a distance from the healthier townspeople. But medical knowledge was primitive,

and herded with the genuinely afflicted were many who suffered only from disfiguring skin disorders.

Skeletal, archaeological and documentary evidence has shown us that Medieval people suffered from illnesses known today, such as arthritis, tuberculosis, spina bifida, smallpox, cholera and amoebic dysentery. More common then, also, were parasite infestations, often of worms common to man and his domestic animals.

The most feared illness was the 'pest' or plague. This was actually several diseases - bubonic, spread by rats, being the most noted. Many Scots were, however, susceptible to pneumonic plague, encouraged by cold and rain.

Women were lucky to survive the child-bearing period of their lives, but if they did they lived much longer than men. There are many

examples of their marrying three or four times as widows.

Care of the sick was minimal. Many towns had almshouses or 'hospitals', but these were not genuinely open to all. Self help was essential, usually in the form of traditional medication brewed from herbs.

There were lighter sides to life. Medieval townspeople enjoyed football, shooting at the butts, dicing, gaming and drinking.

Holy Days were days for fun; processions through the streets on saints' days were not only to venerate the saints, but also to introduce some laughter into life.

Companies of players travelled the country and added to the laughter with jesters, tumblers, minstrels, drummers and pipers.

Such entertainments, brought relief to the harsh working year. Life was not all misery, but it was hard. ●

IT'S BEEN A HARD KNIGHT'S DAY

Jousting was a sport where violence was tempered with chivalry and the judge's discretion. In the Scotland-France clash reported below, the King stopped play

Tournaments were Medieval tests of courage and fighting skill in which mounted knights battled against each other, risking injury and even death, to display their courage. Bloody events they might have been, but they were governed by elaborate rules of chivalry.

The rare and detailed account below tells of a tournament at Stirling in 1448 between three Scottish and three French knights in the presence of King James II, who was then just 12.

We learn of the fearlessness, the rich apparel and even the tactics of these elite fighters. The French, for example, secretly agreed in advance to throw away their lances and fight from the start with axes, a high-risk strategy which gave them the advantage of surprise. The account—a sort of early sports report—let the Duke of Burgundy know how his three champions acquitted themselves in far-off Scotland. It was translated from the French.

6 After the day of Carnival of that year, a thousand four hundred and forty-eight, deeds of arms were done in the presence of the King of Scots, as judge of this match, which king was in the town of Estrellin (Stirling).

To wit, by three nobles of Scotland meeting three men of the household of the Duke of Burgundy, and of whom, on

both sides, the names follow. And first, of the Scots, Messire James, Master of Douglas, the Laird of Haguet (Halket), and Messire James Douglas (of Auchterton), all three of high lineage, powerful and well-formed of body, and greatly renowned to be valiant. And on the side of the Burgundians were Messire Jacques de Lalain, eldest son of the Seigneur de Lalain, his uncle Simon de Lalain, and an equerry of the said Duke, called Hervele Merindec, a Breton, who was of most haughty will and desirous to do honour to the most noble and renowned exercise of arms.

Which arms had already been agreed on between the parties, to fight with lances, axes, swords and daggers, to a finish or until either of the said parties yielded, saving in all things the will of the King, who was judge. And the above-mentioned of the party of Burgundy were the appellants and challengers-at-arms.

And when they were come in good and sufficient state to that town of Stirling, they were by the King's great lords honourably feasted and received, according to the manner of the country. And when arrived the day which was arranged for them, they went into the field first, all on horseback, and the two



Knights could decide not to wear a helmet—at their own considerable risk.

Knights above said clothed in long gowns of black velvet, furred with most rich sable martin. The squire had one of black satin, furred like the others. All three were mounted on horses of price, had with them several gentlemen who bore the weapons with which they were to fight. Knights of the said country had been granted them by the King, to counsel and second them, as should please them.

They entered the same field, and went to make their reverence to the King in the accustomed manner, and then they retired and dismounted at their pavilion where was their harness, and began to arm, as it might be about 12 hours of the day.

So they waited for their adversaries for the space of three hours or more, who came as far as the entry of the lists, very splendidly accompanied by the lords of that country, and especially by the Earl of Douglas, who had in his company, according to those who knew the truth, from four to six thousand men.

At the entry into the field they were accompanied by gentlemen who bore their weapons, as in like manner had been done for their adversaries. And in this manner they went to make their reverences to the King and begged of him the order of knighthood.

Then they dismounted and he made them knights, and after this retired to their pavilion and armed.

As soon as they were ready a trumpet was sounded there, and it was ordered in the King's name that each side should do its duty. And then the three above-said of the Burgundian side came forth from their pavilion, armed most gallantly, wearing their coats of arms and furnished with the above-said four weapons and began to advance with great force on their adversaries, who also came with great sound and state to the encounter.

Those of the above-said Burgundian party, as they had before agreed together, threw

their lances high behind them as they closed, and took their axes, intending to use them rather than the said lances.

And this done, Messire James Douglas broke rank with his companions and came on proudly, meaning to be the first to attack. To meet him, with high and bold courage, came Herve de Meriadec who had, during that business kept his visor up: so he was wounded in the arm at the first stroke of the Scots lances, and his body-armour broken, but that troubled him little, and very swiftly he charged his adversary, and with his axe gave him a most hard blow on his basinet (helmet), which made him stagger, and at once thereafter another so heavy and so ill to bide that it struck him from his horse, and with that he struck him some more great strokes with the said axe on the said basinet so that he thought well that he was rid of him for that day.

Meriadec was of middle stature; nonetheless he was well made in limbs and reputed the most skillful man and of great strength for his size, as much in conflict as in other tasks, of any who had for long been in the household of the Duke of Burgundy, and with this he was brave and accustomed to war.

And then, when he saw himself so rid of his man, and thought that he had altogether overcome him, he looked towards his companions who on the other side were fighting most valiantly and had much ado, especially Messire Jacques de Lalain, for Messire James, Master of Douglas, whom he had tackled and who was a most puissant and valiant knight, had set about him strongly and given him so much to do that besides his lance which he had thrown away, he had lost of the three weapons left him his axe and dagger and had nothing left but his sword, with which he defended himself with much trouble, because his own side pressed him about.

And on the other side, Messire Simon de Lalain and the Laird of Haguet fought most bitterly with one another, and the said Messire Simon began to make him give ground. And then Meriadec, seeing this, and being allowed to do so by the laws of the

tourney, went to help his companions and when he was half-way looked round and saw his own opponent had risen and was pursuing him to turn the tables; so he turned back and as he had done already gave him a very heavy blow with his axe, and struck him several blows on the back with his fist.

And indeed it would have been allowable, had it not been for chivalry, to strike him on the body with the axe. Then, as before, he went on towards his companions to help them, but as he came up and was about to set to work, the King threw down his baton, and so the parties were separated by the guards.

One copy of this manuscript was verified by witnesses, signing themselves Robert, Abbot of Ascuque, and James Douglas.

The lance was the first expected means of attack, so a decision to jettison it gave an element of surprise.



He invented the bedside manner



In the late 18th century, nine out of ten British doctors were Scottish-trained. Among them was the farmer's son who became 'man-midwife' to the Queen

WILLIAM HUNTER (1718-83)

A farmer's son from Long Calderwood, Lanarkshire, William Hunter came from a large family – the seventh of 10 children – and childbirth was to become his professional pre-occupation.

As a founding father of modern obstetrics and gynaecology, his skills and common-sense approach, coupled with a formidable work rate, brought him considerable fame and fortune.

Yet when he first went to Glasgow University at 14 he was being prepared for a career in the Church. Changing direction after five years, he became a medical apprentice to William Cullen at Hamilton – a doctor who was later to change direction himself and become Britain's first professor of anatomy.

Hunter continued his studies in Edinburgh, then moved to London to become a physician. He set up a laboratory in his home and, like another famous Scottish anatomist, William Hunter, he was a research worker on the human reproductive system. In fact, this book was never completed, although it was supposed to be the most important contribution to anatomy in that century. When Douglas died

in 1741 Hunter was appointed to the Chair of Natural History, which the University had just created, and in 1742 he was appointed to the Chair of Anatomy.

This was when so-called 'naturalists' were coming under attack from traditional female practitioners, some of whom had no formal training at all and relied upon superstition and mumbo-jumbo.

Hunter, who was described as 'tall, slender, elegant and gentlemanly', became very much in demand as a consultant. His policy of 'tenderness, assiduity and delicacy' was highly appreciated by patients whose experience of medicine was usually more traumatic.

Clearly, Hunter was an early exponent of the good bedside manner. Gaining a high reputation as a lecturer, he taught his students: "Whatever operation we perform in midwifery must be done so gradually, as if the woman was asleep and we meant to do it without waking her."

From 1748 on, Hunter's career prospered. He was given an appointment at the Middlesex Hospital, the first general hospital to have a maternity wing. Through contact with the Prime Minister, Lord Bute, he became the 'royal accoucheur' to Queen Charlotte, the young bride of George III. And this was no sinecure. Charlotte had been brought over from Germany as a teenage minor princess for the purpose of producing royal progeny, and delivered no fewer than 15 children.

The story is told that Charlotte's journey from Germany to get married took three weeks, but the ceremony in London was held at 9pm, just six hours after she arrived, and the couple were in bed by 2am. It seems that the production line began immediately.

One of Hunter's dreams was to establish a school of 'scientific medicine', and he achieved this around 1766 when he converted a large house in Great Windmill Street to include a museum, library and anatomical theatre.

He lived 'above the shop' and nurtured his huge collection of books and specimens. When he wanted to auction off some duplicate items from the collection, the sale lasted seven days. One long-term project that took 24 years was his definitive book on how babies develop in the womb, illustrated by a leading medical artist and engraver.

But at 64, Hunter insisted on giving a surgery lecture while ill. He collapsed before he could complete it and died 10 days later. He had never married though he had planned to do so when retired. He bequeathed his valuable collection to Glasgow University, where it is housed in the Hunterian Museum. ●

John Brown's body system caused riots

JOHN BROWN (1735-88)

As an example of a clever mind that took a wrong turning, John Brown is surely supreme. Born to a poor family in Lintlaws, Berwickshire, he was found to be an exceptionally bright scholar. When he became old enough to attend Edinburgh University, the professors at the medical school agreed to teach him without charge rather than see this promising intellect lost to the science of medicine.

Meanwhile, Brown earned his keep by translating the theses of fellow-students into Latin for the MD degree. William Cullen, the eminent physician who was then teaching in Edinburgh, took Brown into his home as a secretary and tutor and the young man's career eventually prospered.

However, when Brown was about 45, he announced his 'discovery' that disease stemmed from under-activity or over-activity of the body's organs.

His cure was to stimulate the body with opium, or sedate it with alcohol. This 'Brunonian' system of medicine caused great controversy and led to a bitter clash between Brown and his mentor, Cullen. But it found much support on the Continent, particularly in Germany, where the cavalry had to be called to Göttingen University to quell fighting between the rival factions.

Duels between them had to be banned. In some circles, Brown's system persisted until the 19th century when new discoveries about the body's workings finally disproved it.

Brown himself had taken opium for gout and was probably addicted. He also dosed himself heavily with brandy, and these abuses are thought to have caused his early death. In later life, Brown

was described as a 'disputatious and disreputable' character and he was imprisoned several times for debt.

Yet there are those who accept that the Brunonian system was at least a relief from some of the exhausting treatments of the time – such as purging, bloodletting and vomiting.



■ Brown advocated the use of opium and alcohol to cure disease.

Lind's lemon saved the navy

JAMES LIND (1716-94)

In the 18th century, scurvy was long established as one of the mariner's oldest enemies. The disease, commonplace on long sea voyages, started with the appearance of spots on the skin, followed by swelling of the gums, bleeding from the mucous membranes and overall weakness.

It could be fatal. Sailors had thought the condition could be eased by eating a type of cress found in the Arctic, but it took a Scot, James Lind, to identify the cause as lack of the vitamins found in fresh fruit.

Born in Edinburgh, Lind went into the navy as a

surgeon's mate where he began to research the disease, finding it also occurred in towns under siege where the diet was limited. Studying later at Edinburgh University, he carried out what is thought to be the first ever clinical controlled experiment, in which he discovered that a diet including lemon or lime juice, or even cider, would overcome scurvy.

Despite this, the navy failed to heed these findings until a year after Lind's death, when lime juice was issued on ships (and the British became known as 'limeys'). His defeat of scurvy, along with his insistence on good hygiene and ventilation on board, earned Lind the title 'Father of Naval Medicine'.

Lust, lies and cups of killing cocoa...



■ With her so-respectable family: Madeleine Smith is the tallest figure.

Blushing society girl Madeleine Smith couldn't risk her spurned lover showing the world her letters of passion. So did she get away with murder?

It had all the ingredients of a classic Victorian melodrama. In the sexually-repressed 1850s, Madeleine Smith, the beautiful daughter of a rich Scots architect, falls for the charms of a poor but handsome Frenchman with a twirling moustache, Emile L'Angelier. They spark off a secret, torrid love affair whose explicit details would later outrage a shocked, prudish Britain.

The blushing young girl at polite society balls at Edinburgh Castle became a totally different character at their love trysts.

She became eager to lose her virtue and to experiment with her more mature lover, who was 10 years her senior. Clearly, she was a modern

woman, born out of her time – more suited to the Swinging Sixties a century later, than to the frigid Victorian era.

So anxious was she, Madeleine took dangerous chances – like making love in the grounds of the country mansion her father designed and built near Rhu, overlooking the Clyde, or opening a curtain at her parents' town house in Glasgow as a signal for Emile at night.

They would make love in the drawing room or laundry while her parents, who had banned their relationship, slept unaware upstairs.

But after two years of illicit love-making, and becoming secretly engaged with plans of eloping to marry Emile, Madeleine began to tire of her secret lover. Especially when a more socially acceptable – and, more importantly, rich – future husband appeared on the scene.

He wasn't so handsome but Billy Minnoch fitted the bill, and naturally got her father's blessing. After all, Billy earned a staggering £4,000 a year as a director while Emile got only £25 annually as a lowly packing clerk with a Glasgow warehouse. There was, she decided, no contest.

She had enjoyed her wild, lustful adventures. Now she looked forward to a comfortable marriage, fitting for the Victorian times, with her security guaranteed by a wealthy husband.

Although unofficially betrothed to Emile, Madeleine formally announced her engagement to Billy in January, 1857, to marry in June. Now all she had to do was end her affair and go

back the 300 explicit letters she had sent to Emile.

So Madeleine, who had carefully destroyed his letters, asked for hers to be returned.

I trust to your honour that you will not reveal anything that may have passed between us. My love for you has ceased.

Shattered, Emile refused. A copy he kept of one of his letters revealed how upset he was after she insisted on losing her virginity one night.

"Why did you give way after your promises? We did wrong. God forgive us for it – we have loved blindly."

Whereas, she had written of the same night:

"If we did wrong last night it was the excitement of our love. And you can be assured that after what has passed I cannot be the wife of any other. No, now it would be a sin. Tell me, pet, were you angry at me for allowing you to do what you did – was it very bad of me?"

Little wonder she was terrified that letter in particular – if her father or fiance saw it, her future would be ruined. But Emile wrote back refusing to return them and threatening to show them to her father to prove the 'criminal union' between them.

Desperate, the girl known to him as Mim, replied:

For God's sake, bring me back the letters you have deceived me with. I am a miserable wretch on the earth.

Then perhaps prophetically she added: *I need as if death indeed would be sweet. Emile, do not drive me to death.*

The die was cast – but it was to be



■ The trial was so sensational crowds besieged the High Court in Edinburgh.



■ The fatal attraction: Madeleine's handsome French lover, Emile L'Angelier – who lost his life because he kept her love letters.

his death, not hers. Emile had to be removed from the scene, and the letters safely retrieved and destroyed. So she encouraged him to see her again and pretended all was well.

The next day she tried to buy prussic acid but failed. On February 21, 1857, she bought arsenic 'for the garden' and 24 hours later Emile was 'taken very ill'.

In March she bought another ounce of arsenic from a different chemist 'to kill rats' at home.

Emile told friends that she used to insist on him drinking late-night cups of cocoa at her home and he was sure that they always made him feel ill. He said he could not understand it because he always liked cocoa in the past.

Asked why he didn't leave her, he replied he couldn't, and said: "If she were to poison me I would forgive her."

On the evening of March 22 he went for a walk in Glasgow town centre. No-one knows where he went for a missing five hours.

Did he return to his lover's house and, as usual, get another cup of cocoa? In any event, he staggered violently ill into his lodgings in the early hours and died.

A post mortem revealed he died of poisoning from enough arsenic to kill 40 men. Days later Madeleine was arrested and charged with his murder.

She claimed she had not seen him for three weeks and although she had bought arsenic, it was for cosmetic purposes, diluted with water.

Three months later she went on

trial in the High Court in Edinburgh, because of the local feelings in Glasgow. Most of the middle-classes sympathised with her and thought Emile had staged a bizarre suicide. Even if she had done it, they said, the foreign blackmailing seducer deserved it.

But the working classes thought it was just a rich girl getting rid of a poor lover to marry a rich man. Strangely, her loving parents stayed well clear of the trial – unlike the thousands who thronged the streets outside the crowded court room.

The sensational sex-and-sin murder trial attracted UK-wide press coverage and lasted nine days. But she never spoke a word – in those days an accused person was not allowed to give evidence.

Amid the turmoil and excitement, she was reported as being 'the only unmoved, cool personage to be seen'.

A workmate of Emile told the

court the Jersey-born clerk was in tears one morning, saying she wanted to break off their engagement. Emile told him: "She'll be the death of me."

It took nearly the whole of the fifth day to read out her letters kept by the victim – and she blushed and bowed her head in the dock as the sexual details were unfolded.

The defence argued it was suicide as he had used arsenic before and there was no proof they had met after she bought the arsenic. She had been seduced and tortured by this blackmailer, said her defence counsel, John Inglis, the illustrious Dean of the Faculty, to a loud round of applause from the packed courtroom.

The 15 male jurors took only 22 minutes to return with their shock result – not proven, the controversial half-way house verdict peculiar only to Scotland.

The whole court exploded into

applause, with everyone standing cheering, the judge calling for order, and Madeleine's counsel walking off without speaking to her again. He was, it was said, sure she was guilty.

She later said she was 'put out' by the verdict and she never again saw Billy, who said he would marry her after the trial. Her defence cost £4,000 – a fortune in those days – paid for by leading Glasgow merchants, including £1,000 from an old bachelor.

Later she went south to Plymouth, and in 1861 married artist George Wardle in London. She became a renowned Bloomsbury-set hostess and was the first to do away with tablecloths and have table mats on the bare dining table. They had a son and a daughter. Thirty years after the trial she became a treasurer for a socialist group run by Karl Marx's son-in-law and served coffee to George Bernard Shaw, who lived to tell the tale.

But her husband suddenly left her after seeing 'a look that he did not like in Madeleine's eye'.

Aged 80, she emigrated to the US where her son Tom lived. In 1916 she remarried and in 1928, aged 92, she died of a kidney disease in New York.

Was she guilty? Novelist Somerset Maugham wrote in his diary that a friend lived next door to her in 1907 – exactly 50 years after the murder – and when she found out he knew of her past, she said, chillingly: "I suppose you want to know whether I did it or not."

"I did. And what's more, if it were to happen again, I'd do it again." ●



■ Some of the revealing letters that Madeleine was desperate to get back.

A window sheds light on a king's dark deed

James II of Scotland and Holyrood Abbey are linked inextricably. In fact, James was born, crowned, married and buried within this old building, which still stands in ruins beside the later Holyrood Palace at the base of Edinburgh's Royal Mile.

Tours of Holyrood end with access to the Abbey, so while it is only a shadow of its former magnificence, you can still wander around it and cast your mind back to when it was a royal residence.

James's father died when he was only six, and so his mother took him to the safety of Edinburgh Castle. Due to the unrest following his father's murder at Perth, James was crowned on March 25, 1437, at Holyrood, so breaking the long tradition that Scots kings should be enthroned at Scone – reckoned in this case to be too close to Perth for safety.

While he was so young, James was used as a pawn by powerful lords, as custody of the king basically put control of the state into his captors' hands.

James was shuttled between Edinburgh and Stirling castles – the former in the control of Crichton, the latter in control of Livingston, two lords eager for power. It must have been strange for James to be shifted back and forth between these two similar castles.

In the early years of James's reign, many lords took the law into their own hands. One of these was the powerful Tiger Earl of Crawford. The remains of his castle can still be discerned, among trees on the opposite bank of the Clyde from the village of Crawford, off the M74 in southern Lanarkshire.

Not too far north of here is the Kirk of St Bride in Douglas, the last resting place of James the Gross, the Lord of Douglas at this time. His ornate tomb has survived.

James II was to be responsible for the murder of William, the eighth Earl of Douglas, in February, 1452. The earl was invited to dinner at Stirling Castle, where hot words were exchanged. James leapt forward and plunged his dagger into Douglas's throat. Other lords took their cue from their monarch, and later 26 stab wounds were



Biker historian David R. Ross visits the spot where James II murdered the Earl of Douglas



■ The 'Douglas' window at Stirling Castle recalls William's violent death.

found on the earl's body – which was thrown from a window to the garden below.

This window was later replaced in stained glass, bearing the Douglas coat of arms, with the three stars on blue, above the blood-red heart of Robert Bruce. It stands at first-floor level above the rear garden.

The skeleton of a partially-armed man was found buried in this garden in 1797. It was believed that this could be the last resting place of William Douglas – after all, his death caused so much of a furore they would not have been able to

remove the body. James's reign is peppered with stories of his feud with the Douglas family, and of his interest in artillery.

A story is told that, at the siege of Threave Castle in 1455, a cannonball flew between the Douglases laid within and his wife as they sat down to dinner!

Threave Castle, on an island in the Dee, three miles west of Castle Douglas, is open to the public.

James was killed by an exploding cannon at the siege of Roxburgh Castle in 1460. It was ironic that his interest in cannon was to prove his undoing. ●

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